

**BOARD OF SELECTMEN
MINUTES OF AUGUST 26, 2014
SHEPARD MUNICIPAL BUILDING**

PRESENT: Mr. David A. Delanski, Chairman, Mr. Robert E. Lavash, Sr. Vice-Chairman and Mr. Dario F. Nardi, Clerk
ATTENDEES: See list (attached)

Chairman Delanski called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance in the Selectmen's Meeting Room in the Shepard Municipal Building.

Chairman Delanski announced that tonight's meeting was being both video and audio taped and requested anyone in the audience to disclose if they are recording tonight's meeting. Ms. Jennifer Roberts announced she may record the 7:15 Lenard Engineering portion, but would announce same.

OLD BUSINESS:

Mr. Nardi stated that the LED bulb light project was nearly complete. He and his daughter (who volunteered her time) replaced the bulbs at the Senior Center and the Shepard Building. Bulbs for the Fire Department have been delivered. He needs to make arrangements to have the bulbs for the Highway Barn delivered so they may replace them.

Ms. Prokop updated that Ms. Acerra is working with Mike Brown of Greenwood Industries on the Town Hall Roof warranty matter.

COMMENTS AND CONCERNS:

Ms. Mary Bellerose addressed the Board with several concerns. 1st - concern over Town Council bills. Per her review she feels that 21% of the charges could be considered frivolous dealing with conflict of interest matters; 11% for mistakes made by employees; again issues of conflict of interest; and feels less could be expended if the Town was more careful. 2nd – She made reference to several meetings ago, a citizen asked about the Police Chief. She has reviewed the Police Chief's contract. There is a section that he can be let go for show cause. She feels that if there are complaints against the Chief and about the Chief's failure to treat citizens fairly why the Board is not pursuing a show-cause hearing. 3rd Ms. Bellerose stated she had come before the Board 6 month ago on a matter for which she was asking for an apology from an individual and at the time was not sure but considered having the Town pay for damages to her property. Later in March at an event held at the Senior Center Ms. Bellerose states she was "told" by Mr. Lavash that if she "looked the other way" and did not pursue the matter; there would be support for her run for Selectman. She stated she is still waiting for a response from the person that accused her of "being a liar". She further stated this person has other employees in that town building punch him out, "he's gone home and he has other people punch him out"; there are witnesses to this. She is still waiting for an answer and is now waiting for the property to be fixed. Mr. Delanski asked Highway Surveyor to comment. Mr. Boudreau did not know the comment was directed to him. With no further discussion, Mr. Delanski thanked Ms. Bellerose.

CORRESPONDENCE

The Board members reviewed the following:

- Request from the Fraternal Order of Eagles Aerie – for a one day pouring license for Saturday, September 13, 2014 from 12:00 noon to 7:00 PM. They will be hosting a Pig Roast – the public is invited; proceeds to benefit 11+ Charities supported by the Aerie. (Vote required) *Motion to grant made by Mr. Lavash; second: Mr. Nardi – Mr. Delanski cited that the FOE currently holds a Liquor License therefore a letter should be sent to extend License for use outside on day of the event. He added the fee would be waived and requested that the FOE provide an alternate date in the event of rain; as the License approval is limited to only 1 day.*

- Memorandum from Town Clerk informing the Board that her Department has replaced their wooden voting booths with new metal booths. Her plan is to discard the 1976 wooden booths; she has updated her inventory listing to reflect the change. *Noted:*
- Correspondence from Worcester resident; requesting the Town considers reimbursement for towing expenses due to alleged impassable town road. *Mr. Delanski stated he does not recall a time when the Town acted on a similar matter. There was a brief discussion as to the "town road" location addressed in the correspondence. Mr. Delanski suggested contacting Fijol's to assess exact location and then submit correspondence and information to MIIA Insurance for follow up. Mr. Delanski asked that a reply be sent to claimant.*

RAIN STORM DRAINAGE ISSUES

A discussion took place regarding an issue with a drainage easement located at 1378 Bemis Road. The property owners, John and Stephanie Williams are in attendance tonight in an effort to resolve the issue. Also in attendance are Jim Fountain (builder), Tom Boudreau, Highway Surveyor and members of the Conservation Commission.

Mr. & Mrs. Williams purchased the home with knowledge of the drainage easement. Since the time of purchase, there has been erosion on the property. The Williams' expressed concern that the size of the pipe is inadequate and installed improperly. The installation was done a number of years ago with the then Highway Surveyor with the landowners permission. According to Mr. Williams' he stated that the pipe at the edge of Bemis Road and his front property line is 24" and narrows to 18" at the outlet thus resulting in a sinkhole and erosion.

Neil Kiley from First Wind Energy, LLC, proactively approached Mr. & Mrs. Williams and offered to correct the situation at the company's expense. After several discussions between the parties, Mr. & Mrs. Williams declined the offer and First Wind closed the construction budget. Therefore, First Wind is no longer an active party in this discussion.

After a discussion, Mr. Delanski stated that more than likely, town council will need to be contacted for input. All were in agreement to discuss the matter in two weeks at the next meeting.

EMERGENCY MANAGEMENT -TIMOTHY O'BRIEN

Mr. O'Brien addressed the Board with concern on how to manage the Emergency Management Director position which is currently vacant. He stated the EMD position has grown substantially working with FEMA/MEMA; there is more oversight and training. There is a need for grant acquisitions; for equipment procurement as well as safety equipment. He has spoken with both the Fire and Police Chief's who both strongly believe the position is important for the community as well as a support to the two departments.

Mr. O'Brien would like to recommend to the Selectboard to consider, CERT Leader James McKeon to serve in the position on an interim basis. Of great importance is the needs to have someone do the grant acquisition – he is of the opinion that the position needs a dedicated person. He asked if there was a way to add a stipend or wage to the position. Mr. Delanski added that an allocation could be considered at the ATM, through the process of adding a line item to the budget; he would recommend sending the request to Finance Committee.

Without further discussion a motion to appoint James McKeon and Tim O'Brien as interim co-Deputy EMD was made by Mr. Nardi; second: Mr. Lavash – unanimous. Mr. Delanski asked that the Planning Board be contacted to inquire the use of Mr. Scanlan to assist in the interim on the grant writing/acquisition.

7:15 LENARD ENGINEERING – TOWN HALL REMEDIATION DISCUSSION

Discussion centered around the concerns and complaints on the progress of the Town Hall Remediation Project. There have been changes in engineers and loss of engineers throughout the project with little or no notification to the Town until after the fact; the Board members find this unacceptable and voiced the concerns to Mr. Ken Hodgson who was present on behalf of Lenard Engineering. Mr. Hodgson acknowledged there have been some staff changes at the firm and cited that most recently, there had been some delays due to miscommunications relative to vendor contracts.

Mr. Hodgson explained on the table was the phase II work to be done by vendor Russo Barr (see attached scope) and Ultimate Abatement (see attached scope) The Barr contract has just been finalized but understands the Board has placed a hold on this; and the Ultimate Abatement quote already approved by the Board needs a purchase order.

Concerns were raised by resident Madeline Witaszek that the Russo Barr outline of scope of work was a duplication of work previously done by former Lenard Engineer Scott Charpentier; that what is wrong has already been identified; 1) evaluate – Russo proposes a “limited” structural evaluation; an evaluation has been provided; 2) windows – it is known the windows are bad; 3) moisture infiltration – it is known the problem exists - what is needed now is to get people in to do the work. Ms. Witaszek also cited recent news articles where Senator Brewer was mentioned as having been able to secure non-matching grants to abutting towns for restorations of their Town Halls – why is Warren not obtaining these funds as well?

Mr. Delanski addressed Mr. Hodgson and asked for re-assurance that his firm would proceed on this in a timely manner; he read aloud from the Board’s minutes and reminded him that last year the Board did not assemble its intended committee as time was of the essence and assurances were given that the project would proceed rapidly. Following a brief discussion Mr. Delanski asked his colleagues to form a committee of about 5 individuals (2 from FOTTH; 2 Residents and 1 Board member) to work with Lenard Engineering to move the project forward. The Board would like interested parties to come forward for appointment at the next meeting in two weeks.

During final discussions the Board members were in favor of contacting Ultimate Abatement with a PO; and contacting the Police Chief to take care of maintenance items outlined as items F-L less I in the BOH order of violation (see attached)

SENIOR CENTER DIRECTOR POSITION – CANDIDATE INTERVIEWS

Mr. Robert Lavash disclosed for the record, that Ms. Jean Lavash, Chair of the Counsel of Ageing speaking tonight is his wife.

Mrs. Jean Lavash addressed the Board and announced that the COA had conducted preliminary interviews on August 22, 2014 for the position of Senior Center Director and is bringing before the Board two candidates for consideration. Ms. Sharon Meli and Mr. Dennis Morel.

Mr. Delanski asked the two candidates to come forward and turned the process over to his colleagues for questions. Mr. Lavash stated he had no questions at this time as he attended the preliminary interviews.

Mr. Nardi began with questions for both Ms. Meli and Mr. Morel relating to Grants both writing and acquiring grants which is an important and significant function in the position.

Ms. Meli responded she has no grant experience; she has already researched resources and course work and feels she could get up to speed quickly. She considers herself a fast learner, enjoys taking classes, is familiar with computer applications and has done research on programs for seniors. She also has experience in food service.

Mr. Morel responded he also does not have any grant experience; he would seek help and as mentioned by Ms. Meli would take whatever is available in terms of classes.

Mr. Nardi’s second questions for both candidates related to Functions at the Senior Center – what activities would you bring to promote the Center and involvement by seniors:

Mr. Morel credited the current Director with successful functions, he would be looking to follow in his footsteps; possibly do more with the Senior Club, he has no definite plans, and he is open to ideas. Ms. Meli working in food service she worked as the head caterer for Ana Maria College, she would like to introduce more variety in the programs to make it more attractive and exciting. Mr. Nardi thanked both candidates.

Mr. Delanski asked the two candidates if they were registered voters. Both Mr. Morel and Ms. Meli said yes.

Mr. Delanski asked both candidates how municipal government works.

Mr. Morel stated there are leaders of the town Major/Board of Selectmen – department heads – one reports to the other until it gets to in this case the Board of Selectmen. Ms. Meli – She would be reporting to the COA who in turn report to the Board of Selectmen and the Town residents.

Mr. Delanski asked the question as many people are under the misconception that Municipalities operate the same as non-municipal government. There is a big difference with a lot of responsibilities in certain areas. There is an expectation that they work the same way. Either it is getting items on a Warrant or how Town Meeting work; it would be important for anyone seeking this position to understand how that works.

Mr. Delanski asked both candidates what they consider would be the most important duty of the position

Ms. Meli – to bring programs for the Seniors; evaluate their needs; make resources accessible; getting grant monies; taking care of the seniors themselves.

Mr. Morel –help the seniors, answer their questions and direct them to resources available to them.

Mr. Delanski asked both candidates briefly speak on their educational background.

Mr. Morel – HS Diploma; has taken COA classes; senior conferences with workshops – has attended New director training in anticipation of Mr. Dimo’s retirement.

Ms. Meli – as by her– has 25 years experience working with seniors; very personal attention; has associate degree in Foundations of Health which involves some social work; has some medical background; training in nutrition; has certified nursing certificate; is pretty well rounded.

Mr. Delanski – posed a scenario to Ms. Meli – Cook at Center calls out – what do you do?

Ms. Meli – She has worked in food service so she can jump right in; cited a recent event where she was faced with the same scenario and had a successful outcome.

Mr. Delanski - posed a scenario to Mr. Morel – If a family member want to use the Senior Center- how do you handle?

Mr. Morel – He would have them complete necessary paperwork and rent them use of the Center.

In closing, Mr. Delanski informed the candidates that before there would be an appointment, routine checking such as CORI and driving records would have to be completed. Neither candidate was opposed. With no further discussion, the Board agreed to end the interview and deferred their decision until the next meeting.

Mr. Delanski called for a brief recess at 8:07 PM

Mr. Delanski called the meeting back to order at 8:14 PM

RESIDENT CONCERN- STANLEY SOLTYS

A discussion was had regarding the recent July 11, 2014 Auction of Town owned properties. Mr. Soltys brought to the Board members concerns that a particular property had not sold (105 Quaboag Street) even though there had been a participant that had offered a bona-fid bid. He admits the participant called him to discuss the matter; he also admits he did attend the Auction but was not present at the time the property in question was up for auction.

Mr. Robert Lavash who is also the Towns’ Tax Title Custodian made note of the Auction advertisement which outlined the terms and conditions of the Auction, specific to this matter.

There was some additional discussion after which Mr. Delanski concluded that there was nothing illegal or wrongdoing on the matter. Mr. Lavash confirmed that the property would be listed again in a future Auction most likely in the fall. Mr. Nardi offered a brief comment; but deferred the matter back to Mr. Lavash as the Tax Title Custodian.

MASS WORKS APPLICATION- WILLIAM SCANLAN

Mr. Scanlan provided the Board members with a summary of the Mass Works application (see attached) that could provide funding to perform culvert work in/or about Spring Street in West Warren. He discussed recent beaver dam breaks which caused property damage. The grant references a proposed solar farm project in the area which serves to strengthen the application. The Town’s contribution will promote economic development and public safety, which again makes the application more attractive. Mr. Scanlan is here to seek the Board’s approval for submission of the Application.

There was discussion regarding the proposed culvert and its implications on the community downstream from the proposed culvert. Concerns were raised that although the work would definitely solve a problem it could in turn create another.

Mr. Delanski is not in favor of shifting the water problem to another community. Mr. Scanlan addressed the possibility of engaging Mass DOT to address the downstream concerns; as Rte 67 is a state road. With no further discussion, a motion to submit application was made by Mr. Lavash; second: Mr. Nardi – Mr. Delanski against. The Board was in agreement that the documents would be changed as to allow Mr. Lavash to sign the application as Vice-Chair.

STANDARD AGREEMENT FOR LIMITED PROF. SVC. QUINN ENGINEERING

Motion to have Chairman Sign standard agreement; made by Mr. Lavash; second: Mr. Nardi – unanimous

CHAPTER 90 HIGHWAY MATERIALS – VARIOUS CONTRACTS

(See attached listing) – Motion to accept and approve the contracts listed on attached listing for Chapter 90 Highway Materials; Heating Oil and Diesel Fuel made by Mr. Lavash; second: Mr. Nardi – unanimous

FY 14 4TH QUARTER FIRE DEPT. AMBULANCE ABATEMENTS (*POSSIBLE VOTE*)

Motion to accept and approve the 4th Qtr Fire Department Ambulance Abatements made by Mr. Nardi; second: Mr. Lavash – unanimous

SEWER COMMISSIONERS REQUEST FOR USE OF TOWN COUNSEL

There was a consensus of the Board to permit request.

NOTICE OF AGREEMENT FOR PILOT – (*RENEWABLE LAND HOLDINGS, LLC & MASS MIDSTATE SOLAR I, LLC SUCCESSORS IN interest to Mass PV 3, LLC c/o First Wind*)

There was brief discussion that there was new assignees on this project; a motion to have the Selectmen sign the Assignment of PILOT to Renewable Land Holdings, LLC pending final approval by Town Council made by Mr. Nardi; second: Mr. Lavash – unanimous.

TREASURY WARRANT(S) AND INVOICES

Motion to accept warrants #14 and #15 dated August 18, 2014 in the amounts of \$39,099.56 and \$53,753.41 respectively was made by Mr. Nardi ; second: Mr. Lavash – unanimous.

Motion to accept warrants #16 and #17 dated August 25, 2014 in the amounts of \$39,113.83 and \$15,595.59 respectively was made by Mr. Nardi; second: Mr. Lavash – unanimous.

MINUTES

A motion to approve the open meeting minutes of August 12, 2014 as written made by Mr. Nardi; second: Mr. Lavash – unanimous.

OTHER BUSINESS

None

NEXT MEETING DATE:

Mr. Delanski announced the next scheduled meeting: Tuesday, September 9th at 6:30 PM.

Motion to Adjourn made by Mr. Lavash; second: Mr. Delanski – unanimous at 9:05 PM.

Respectfully submitted,

Lorena Prokop
Administrative Secretary

Dario F. Nardi, Clerk